



✗ NOT ALLOWED



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Are you interested in selling food by the side of the road?



Q: I want to cook and sell food by the side of the road. I can't afford to buy or build a fully enclosed mobile truck or trailer. I just want to make some extra money by using my pull-behind cooker or a grill set up under a tent.

A: If you're hoping to grill meat by the side of the road, you're out of luck. But there are some foods you may be allowed to serve.

State law requires that most food sold to the public come from either a Retail Food Establishment or a registered Wholesale Food Manufacturer. Foods that require time or temperature control to be safely prepared or stored are referred to as "TCS" and require either a permit or a license. The South Carolina Department of Agriculture laws/regulations for wholesale and retail food sales do not allow an un-enclosed pull-behind cooker or a grill under a tent to be permitted or licensed.

[More information →](#)



Q: So, what can I sell without a permit or license?

A: There are exceptions to the requirement for a permit for retail food sales. The following foods are exempted due to being either non-TCS or using a low-risk process.

- Popcorn, cotton candy, candy apples
- Shaved ice/snow cones including snow cones or shaved ice served with pasteurized cold milk or cream from a non-reusable container
- Prepared soft drinks
- Beverages, including lemonade and tea
- Coffee or coffee-based beverages served with pasteurized milk or cream prepared and served either heated or cold
- Beverages individually prepared upon consumer's request from a commercially pre-packaged powdered mix with no additional ingredients that are TCS, and served in a single service cup
- Nachos served with heated cheese product
- Commercially dehydrated pre-packaged pork skins
- Pre-formed or prepared pretzels that require baking or warming only
- Jams, jellies, preserves, and dried fruits
- Dry herbs, seasonings, and mixtures
- Vinegar and flavored vinegars
- Commercially pre-packaged, pre-cut frozen french fries
- Salt-boiled peanuts
- Boiled or grilled corn
- Waffle or pancake mix that is commercially pre-packaged and dispensed from self-serve units for service not to exceed four (4) hours in duration. Leftover portions of these products shall be discarded at the end of service
- Funnel cakes, mini-donuts, or similar type products prepared from a single unit having no more than three fryers. Mixed batters shall not be held out of temperature more than four (4) hours. Leftover portions of these products shall be discarded at the end of service
- Other SCDA-approved non-TCS foods that use a low-risk food process

Q: What if I want to sell meals, barbecue, ribs, chicken wings, fried fish, or other foods that are “potentially hazardous” or TCS?

A: You will have to invest in a mobile food unit that is fully enclosed, as a pull-behind cooker does not meet the requirements to be a mobile unit. You must also have a permitted commissary to support the operation and servicing of the mobile unit. Please visit agriculture.sc.gov/retail-food-safety and see “How to apply for a permit,” our fact sheets on mobile units, and the small business checklist.

Q: How can I get a commissary on a budget?

A: If you can't afford to build or rent a commercial kitchen, you do have another option. SCDA Regulation 61-25 explains how you can obtain a permit and “share” kitchen time and space at a permitted Retail Food Establishment. These specially designated commercial kitchens are operated by a person who rents time and space in the establishment and allows for you to have a permit using their kitchen. The requirements for getting a permit under this section of the regulation are covered in Chapter 9-5, “Shared Use Kitchens.”

For more information, see the SCDA Retail Food Safety page at agriculture.sc.gov



South Carolina
DEPARTMENT OF AGRICULTURE